

ORIGINAL

BLECHER & COLLINS, P.C.

MAXWELL M. BLECHER (Pro Hac Vice) mblecher@blechercollins.com

DAVID W. KESSELMAN (Pro Hac Vice) dkesselman@blechercollins.com

COURTNEY A. PALKO (Pro Hac Vice) cpalko@blechercollins.com

515 South Figueroa Street, 17th Floor

Los Angeles, California 90071

Telephone: (213) 622-4222

Facsimile: (213) 622-1656

FREDERICK W. ROHLFING III, A LIMITED LIABILITY LAW COMPANY

FREDERICK W. ROHLFING III #3474 fwr@caselombardi.com

Pacific Guardian Center, Mauka Tower

737 Bishop Street, Suite 2600

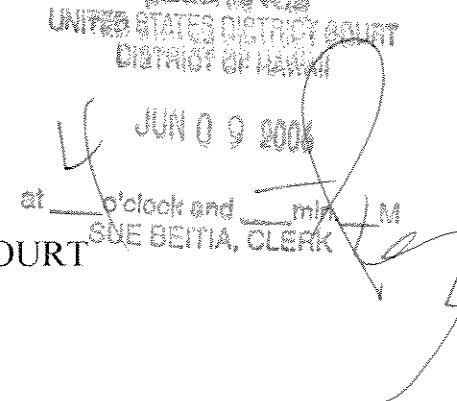
Honolulu, Hawaii 96813-3283

Telephone: (808) 547-5400

Facsimile: (808) 523-1888

Attorneys for Plaintiff Aloha Sports Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
JUN 09 2006
at 10 o'clock and 1/2 min M
SUE BERTIA, CLERK



IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ALOHA SPORTS INC., a Hawaii corporation,

Plaintiff,

vs.

THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, an unincorporated association,

Defendant.

CIVIL NO. CV04-00204 DAE/KSC

(Antitrust)

PLAINTIFF ALOHA SPORTS INC.'S MOTION TO VOLUNTARILY DISMISS ITS FIRST CAUSE OF ACTION (VIOLATION OF SHERMAN ACT SECTION 1) WITH PREJUDICE AND ITS REMAINING CAUSES OF ACTION WITHOUT PREJUDICE; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF MAXWELL M.; EXHIBITS A AND B; CERTIFICATE OF SERVICE

**PLAINTIFF ALOHA SPORTS INC.'S MOTION TO
VOLUNTARILY DISMISS ITS FIRST CAUSE OF ACTION
(VIOLATION OF SHERMAN ACT SECTION 1) WITH PREJUDICE
AND ITS REMAINING CAUSES OF ACTION WITHOUT PREJUDICE**

Plaintiff Aloha Sports Inc. ("Plaintiff") hereby moves to dismiss with prejudice the First Cause of Action (Violation of Sherman Act Section 1) of its "First Amended Complaint for Treble Damages for Violations of: (1) Sherman Antitrust Act, 15 U.S.C. § 15; (2) Hawaii Unfair Trade Practices Law; (3) Breach of Contract; and (4) Intentional Interference With Contract and/or Prospective Economic Advantage" ("the First Amended Complaint"), and to dismiss without prejudice the remaining causes of action set forth in the First Amended Complaint without prejudice. Once the federal antitrust claim of the First Amended Complaint is dismissed, no claims will remain over which the District Court will have original jurisdiction. Plaintiff requests that this Court decline to continue to exercise supplemental jurisdiction over the remaining state law claims.

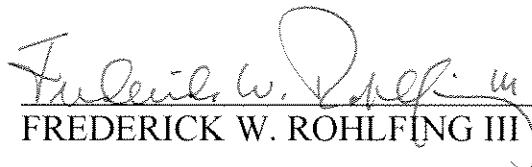
This Motion is brought pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, and is based on the accompanying Memorandum of Points and Authorities, Declaration of Maxwell M. Blecher, and exhibits thereto, the pleadings and papers on file in this action, and on such further matters and argument as Plaintiff may later present in connection with this Motion.

This Motion is made following the written meet and confer communications of counsel which Plaintiff initiated on June 2, 2006 and to which Defendant has yet to respond.

Dated: Honolulu, Hawaii; June 9, 2006.

BLECHER & COLLINS, P.C.
MAXWELL M. BLECHER
DAVID W. KESSELMAN
COURTNEY A. PALKO

FREDERICK W. ROHLFING III
A LIMITED LIABILITY LAW COMPANY


FREDERICK W. ROHLFING III

Attorneys for Plaintiff
Aloha Sports Inc.